

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,	)	Appeal No.
Plaintiff-Appellee,	)	19-2126
	)	
v.	)	District Court Case No.
	)	2:15-CR-4268-JB-25
CARLOS HERRERA,	)	District of New Mexico
Defendant-Appellant	)	

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UNITED STATES OF AMERICA,	)	Appeal No.
Plaintiff-Appellee,	)	19-2141
	)	
v.	)	District Court Case No.
	)	2:15-CR-4268-JB-18
DANIEL SANCHEZ,	)	District of New Mexico
Defendant-Appellant.	)	

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UNITED STATES OF AMERICA,	)	Appeal No.
Plaintiff-Appellee,	)	19-2195
	)	
v.	)	District Court Case No.
	)	2:15-CR-4268-JB-21
ANTHONY RAY BACA,	)	District of New Mexico
Defendant-Appellant	)	

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**UNOPPOSED JOINT MOTION TO SUPPLEMENT THE RECORD**

Pursuant to Fed. R. App. P. 10 and 10th Cir. 10.4(D)(4), Appellants jointly move the Court to supplement the record on appeal as described below.

1. The Appellants seek to include within the record on appeal the following documents from the district court's docket:

ECF No.	Description
1	Indictment
165	Billy Garcia Arrest Warrant
211	Order Declaring Case Complex
233	Minutes of Motions Hearing
430	Appointment of Michael Davis for Carlos Herrera
589	Protective Order
668	Motion to Compel Discovery
676	Motion to Vacate Trial Setting
683	Motion for Continuance
697	Order Granting Motion to Appoint Carey Bhalla
698	Motion for Disclosure and Production
719	Supplement to Discovery Motions
741	Gov't Opposition to Motion for Disclosure and Production
743	Transcript of Motion Proceedings
762	Reply re: Motion for Disclosure and Production
788	Notice Regarding Status of Tablets
815	Motion to Compel
816	Supplement to Motion for Disclosure and Production
817	Motion to Identify Witness/Informant
824	Gov't Opposition to Motion for Disclosure and Production
829	Supplemental Brief in Support of Motion to Compel
864	Gov't Opposition to Discovery Motions
869	Motion to Compel
872	Motion for Disclosure
892	Reply re: Motion to Compel
907	Memorandum and Opinion and Order
934	Gov't Opposition to Motion to Compel
935	Gov't Opposition to Motion to Compel

1037	Motion to Compel
1047	Motion for Disclosure
1053	Motion for Discovery
1056	Motion for Bill of Particulars
1098	Gov't Opposition to Motion to Compel
1102	Gov't Opposition to Motion for Disclosure
1104	Gov't Opposition to Motion for Discovery
1107	Gov't Statement of Cause
1163	Motion for Discovery
1185	Gov't Response to Motion for Discovery
1190	Motion to Obtain Mental Health Records
1228	Motion for Production and for Pre-Trial Hearing
1247	Motion to Compel
1250	Motion to Compel
1251	Motion to Compel
1253	Motion to Compel
1262	Notice re: Motion to Compel
1264	Motion for Discovery
1265	Supplement re: Motion to Compel
1267	Motion to Compel Discovery and Inspection
1269	Motion for Notice
1270	Motion to Compel
1281	Motion for Designation of Evidence
1291	Gov't Response to Motion for Notice
1303	Motion for Specification of Co-Conspirator Statements
1329	Motion for Order to Show Cause
1332	Motion to Compel
1334	Gov't Opposition to Motion for Designation of Evidence
1345	Motion to Compel

1464	Gov't Witness List
1501	Motion for Discovery
1604	Sealed Notice of Recent Government Productions
1613	Baca Response in Opposition re: Conflict of Interest
1673	Motion to Compel
1688	Supplement to Motion to Compel
1694	Motion for Production
1701	Motion to Strike
1734	Trial Brief
1844	Motion to Dismiss
1860	Notice of Joinder
2423	Exhibits to Baca Motion for New Trial
2657	Motion to Dismiss
2966	Judgment as to Baca

As indicated, these documents are available on the district court's docket. They could be compiled by the district court clerk.

2. The Appellants also seek to include within the record on appeal copies of the following trial exhibits:

<b>Designation</b>	<b>Medium</b>
Gov. Ex. 11A	WMV video file
Gov. Ex. 11B	WMV video file
Gov. Ex. 167	PDF file
Gov. Ex. 176	WAV audio file
Gov. Ex. 178	WAV audio file
Gov. Ex. 180	WAV audio file
Gov. Ex. 184	WAV audio file
Gov. Ex. 186	WAV audio file

Gov. Ex. 192	WAV audio file
Gov. Ex. 194	WAV audio file
Gov. Ex. 214	WAV audio file
Gov. Ex. 304	WAV audio file
Gov. Ex. 305	PDF file
Gov. Ex. 310	WAV audio file
Gov. Ex. 348	WAV audio file
Gov. Ex. 390	WAV audio file
Gov. Ex. 756	PDF file
Def. Ex. FO	PDF file
Def. Ex. FP	PDF file
Def. Ex. FK	PDF file
Def. Ex. S6	PDF file
Def. Ex. U2	PDF file

The trial exhibits are all in the possession of undersigned counsel, and counsel can provide them to the Court on a disc or in any other way that the Court may direct.

3. In addition, the Appellants seek to include within the record on appeal two exhibits from the pretrial hearing of November 28, 2017: Gov. Ex. 18 and Gov. Ex. 24. Both of these exhibits are PDF files in the possession of undersigned counsel. Gov. Ex. 18 is an exceptionally large PDF file—consuming more than 19 MB. It may be impossible to file via the CM/ECF system. Counsel can provide these exhibits to the Court on a disc or in any other way that the Court may direct.

4. Finally, the Appellants seek to include within the record on appeal four exhibits to Defendant Baca’s motion for new trial:

Designation	Medium
Exhibit A	MP3 audio file
Exhibit Q	WAV audio file
Exhibit R	WAV audio file
Exhibit S	WAV audio file

These exhibits are in the possession of undersigned counsel, and counsel can provide them to the Court on a disc or in any other way that the Court may direct.

5. None of the foregoing documents or exhibits is currently included in the record on appeal.

6. The Appellants ask that the listed documents and exhibits be included within the record on appeal because they are referred to in the appellants' briefs and are relevant to one or more of the issues raised on appeal. *See* 10th Cir. R. 10.4(D)(4).

7. The government does not oppose the relief requested in this motion.

WHEREFORE, the appellants request that this Motion be granted and that the record on appeal be supplemented with the items listed above.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ Josh Lee  
JOSH LEE  
Assistant Federal Public Defender  
633 17th Street, Ste. 1000  
Denver, Colorado 80202  
(303) 294-7002  
josh.lee@fd.org  
Counsel for Daniel Sanchez

/s/ Theresa Duncan  
THERESA M. DUNCAN  
Duncan Earnest  
P.O. Box 2769  
Santa Fe, NM 87102  
(505) 842-5196  
teri@duncanearnest.com  
Counsel for Anthony Ray Baca

/s/ Ryan Villa

RYAN JOSEPH RICARDO VILLA

5501 Eagle Rock Ave. NE Ste. C2

Albuquerque, NM 87113

(505) 639-5709

ryan@rjvlawfirm.com

Counsel for Carlos Herrera

### **CERTIFICATIONS**

I hereby certify that the following is true and correct to the best of my knowledge and belief, formed after a reasonable inquiry:

(1) This filing is proportionally spaced and contains 894 words and therefore complies with any applicable type-volume limitations.

(2) This motion was electronically filed on December 7, 2021, using the CM/ECF system, which will send notification of the filing to: counsel for Daniel Sanchez, Josh Lee, josh.lee@fd.org; counsel for Carlos Herrera, Ryan Villa, ryan@rjvlawfirm.com; counsel for Anthony Ray Baca, Theresa Duncan, teri@duncanearnest.com; and counsel for the United States of America, Richard Williams, richard.c.williams@usdoj.gov.

(3) Appellants' counsel have each served their clients, Daniel Herrera Sanchez, Carlos Herrera, and Anthony Baca, by U.S. Mail.

/s/ Josh Lee

JOSH LEE

Assistant Federal Public Defender